IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WA.No. 2853 of 2007()

AGAINST THE JUDGEMENT/ORDER IN WPC.33604/2007 Dated 21/11/2007
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APPELLANT: PETITIONER:

RAJESWARI VARMA , ANJANAM,
GANAPATHY TEMPLE ROAD, EDAPPALLY, KOCHI 682 024.

BY ADV. SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU

RESPONDENTS: RESPONDENT:

FOOD CRAFT INSTITUTE, KALAMASSERY,
ALUVA 683 104, REP. BY ITS SECRETARY.

BY ADV. SRI.K.GOPALAKRISHNA KURUP

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

W.A.No.2853 OF 2007

Dated this the 14th day of December, 2007

JUDGMENT

Radhakrishnan, J.

Writ petition was preferred by the appellant herein seeking a writ of certiorari to quash Ext.P10 notification and also for a mandamus commanding the respondent to continue the selection procedure as per Ext.P8 notification. Counsel for the petitioner submits that going by Ext.P8 notification petitioner was fully qualified for applying for the post of Instructor. However for extraneous reasons Ext.P8 notification was cancelled and respondents issued Ext.P10 notification which disqualifies petitioner from applying for the post, since she had crossed 35 years of age.

Learned counsel for the appellant submits that there is no reason to reduce the age limit also impose communal reservation. Learned counsel for the respondent made available the decision taken by the executive committee dated 10/08/2007. The executive committee consisted of 19 persons and they had taken a unanimous decision to follow the reservation Rules as per the

PSC norms and also decided to limit the upper age limit to 35 years for the post of Instructor. Going by the Memorandum of Association the executive committee has the power to fix such norms. Learned counsel for the petitioner submits that such decision was taken with the malafide intention to exclude the petitioner from applying for the post of Instructor. We find it difficult to accept the contention. Rule making authority was only exercising their powers which cannot be characterised as malafides or illmotivated. Learned counsel also submits that petitioner is continuing as Instructor in the institute for the last six years on temporary basis and there is no justification in not considering her for the post of Instructor. Petitioner has preferred Ext.P11 representation before the Institute. The secretary of the Institute may place Ext.P11 representation submitted by the petitioner before the Board of Directors for disposal without delay.

With the above observation, Writ Appeal is dismissed.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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